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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,473	03/30/2001	Kaveh Kianush	NL 000182	8977

24737 7590 08/25/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

NGUYEN, LEE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/822,473

Applicant(s)

KIANUSH ET AL.

Examiner

LEE NGUYEN

Art Unit

2682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-3.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

LEE NGUYEN
Primary Examiner
Art Unit: 2682

ADVISORY ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasooka (JP 06-125280).

Regarding claim 1, Yasooka teaches a receiver comprising RF stage 12 (fig. 1) for receiving an antenna signal from an inductive antenna 1, a processing stage 4 for processing the output signals of the RF stage and an output for supplying an audio signal 8 (fig. 1), characterized in that the RF stage comprises electronically switched capacitors 12a, 12b, controlled by a switch control circuit 6 for adjusting front end selectivity of the RF stage to correspond to an established tuning frequency ([0020]).

Regarding claim 3, Yasooka also teaches RF stage 12 for use in a receiver (fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yasooka in view of Macdonald (US 2,148,633) cited in the previous action.

Regarding claim 2, Yasooka fails to teach that more than two capacitors and switches are used for tuning different channels. Macdonald teaches that a plurality of capacitors and switches are used for tuning different channels (col. 2, 27-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include more capacitors and switches to the receiver of Yasooka so that more channel can be tuned.

Response to Arguments

6. Applicant's arguments filed 7/26/2004 have been fully considered but they are not persuasive.

In the remarks, Applicant argues that there is no switching of capacitors under electronic control in Yasooka. Rather, the switch 12c is, from all indications, manually switched. Furthermore, the frequency changing circuit 3 of Yasooka is simply a well-know downconverter i.e.. RF mixer. It does not in any way affect the capacitors 12 and 12b.

In response, referring to paragraph [0020] Yasooka discloses: [0020]


[Effect of the Invention] As mentioned above, the frequency complement signal S1 is determined by the electronic formula frequency complement receiver of this invention turning on the frequency complement switch of said frequency complement means, and turning off, and said electronic formula frequency complement means can determine the existence of connection of tuning capacitance while choosing frequency data. At this time, since the tuning capacitance of the immobilization in said alignment means and the tuning capacitance for selection do not receive a limit of capacity value like [at the time of variable-capacitance-diode use], they can also design the value of the inductance of said antenna freely, and since they do not cause degradation of Q at the time of resonance, they can attain an efficient alignment means. Moreover, since the value of the inductance of an antenna can also be designed freely, the miniaturization of an antenna is also expectable. Moreover, since a switch of frequency selective ringing and a switch of said alignment means can be performed with one frequency complement frequency complement switch, there is also little number of a switch.

In this paragraph, the switch 12c and the capacitor 12b (fig. 1) is controlled electronically by the control circuit 6 via the control signal S1. Therefore, Yasooka does teach the claimed limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is (703)-308-5249. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN CHIN can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 8/23/04
LEE NGUYEN
Primary Examiner
Art Unit 2682